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In re application of

Shimek et al.

Serial No. 10/620,038

Filed: July 15, 2003

For: Soft Dried Marshmallow and Method of Preparation

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: DECISION
: DISMISSING
: PETITION
:

This is a decision on the PETITION TO WITHDRAW PREMATURE FINAL REJECTION filed April 5, 2007.

The petition requests that the finality of the Office action mailed February 22, 2007 be withdrawn. On April 24, 2007, the examiner issued a new, non-final Office action which withdrew the finality of the prior action.

As the examiner has already properly granted the requested relief, the instant petition is **DISMISSED** as moot.

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